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PLANNING DEPARTMENT

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FINAL NEGATIVE DECLARATION

Date of Publication of Preliminary Negative Declaration: April 13, 2002 Amended June 6, 2002
(New text is underlined; deletions are crossed out)

Lead Agency: City and County of San Francisco, Planning Department
1660 Mission Street, San Francisco, CA 94103

Agency Contact Person: Leigh Kienker Telephone: (415) 558-5970
Project Title: 01.1126E - 965 Geneva Avenue Project Sponsor: Lawrence Lee, (415) 397-8005

65 Geneva Avenue
Block 6409, Lots 5 - 10
San Francisco

5/S



San Francisco Public Library

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San Francisco Public Library
100 Larkin Street, 5th Floor
San Francisco, CA 94102

REFERENCE BOOK

Not to be taken from the library

ed project would be the construction of 28,277 gross-square-feet (gsf) of thin the existing building envelope of a vacant theater at 965 Geneva Avenue, on rue and Paris Street, in the Excelsior neighborhood. The project would include e at the ground level, including a Walgreen's drug store (10,959 gsf), accessed two units of commercial office space on the second floor, 6,923 gsf for eight d a loading area accessed from Paris Street. The existing theater building is ould be no change to this height. A portion of the project site, lots 6 through 10, e NC-3 (Moderate-Scale Neighborhood Commercial) zoning district and a 65-A ear of the site, faces Paris Street and is within the RH-1 (Residential House, One-eight and bulk district. The existing theater is fronted by vacant retail spaces on l seek conditional use authorizations for lot size, use size limit, and exceptions to

s: (Not yet filed)

E A SIGNIFICANT EFFECT ON THE ENVIRONMENT. This finding is based he State Secretary for Resources, Sections 15064 (Determining Significant Effect), icance) and 15070 (Decision to Prepare a Negative Declaration), and the following Evaluation (Initial Study) for the project, which is attached:

Final Negative Declaration adopted and issued on: June 13, 2002.

In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

PAUL E. MALTZER
Environmental Review Officer

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Lead Agency: City and County of San Francisco, Planning Department
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Agency Contact Person: Leigh Kienker **Telephone:** (415) 558-5970
Project Title: 01.1126E - 965 Geneva Avenue **Project Sponsor:** Lawrence Lee, (415) 397-8005

Project Address: 965 Geneva Avenue
Assessor's Block and Lot: Block 6409, Lots 5 - 10
City and County: San Francisco

Project Description: The proposed project would be the construction of 28,277 gross-square-feet (gsf) of commercial/office/residential uses within the existing building envelope of a vacant theater at 965 Geneva Avenue, on the northwest corner of Geneva Avenue and Paris Street, in the Excelsior neighborhood. The project would include 11,531 gsf for two units of retail space at the ground level, including a Walgreen's drug store (10,959 gsf), accessed from Geneva Avenue, 6,553 gsf for two units of commercial office space on the second floor, 6,923 gsf for eight dwelling units on the third floor, and a loading area accessed from Paris Street. The existing theater building is approximately 43 feet tall and there would be no change to this height. A portion of the project site, lots 6 through 10, fronting Geneva Avenue, is within the NC-3 (Moderate-Scale Neighborhood Commercial) zoning district and a 65-A height and bulk district. Lot 5, at the rear of the site, faces Paris Street and is within the RH-1 (Residential House, One-Family) zoning district and a 40-X height and bulk district. The existing theater is fronted by vacant retail spaces on Geneva Avenue. The applicant would seek conditional use authorizations for lot size, use size limit, and exceptions to certain parking provisions.

Building Permit Application Numbers: (Not yet filed)

THIS PROJECT COULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance) and 15070 (Decision to Prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached:

Final Negative Declaration adopted and issued on: June 13, 2002.

In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

cc: Supervisor Gerardo Sandoval, District 11
Daniel Sirois, Neighborhood Planning SE Quadrant
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INITIAL STUDY

PROJECT SITE

The project site, which is approximately 15,044 square feet in size, is located at 965 Geneva Avenue (Lots 5-10 of Assessor's Block 6409) on the northwest corner of Geneva Avenue and Paris Street, two blocks east of Mission Street (Figure 1). The site currently contains approximately 15,112 -gross-square-feet of uses in the existing structure, including 12,015 (gsf) of unused movie theater on two levels, and 3,097 gsf of retail store frontage, mostly vacant, along Geneva Avenue. The existing theater lobby entrance is on Geneva Avenue, however the bulk of the theater is located in the interior of the site behind the retail space fronting on Geneva Avenue. The existing structure is approximately 43 feet tall. The site has no parking or loading areas at present.

Lots 6 through 10, fronting Geneva Avenue, are within the NC-3 (Moderate-Scale Neighborhood Commercial) zoning district and a 65-A height and bulk district. Lot 5, at the rear of the site, faces Paris Street and is within the RH-1 (Residential House, One-Family) zoning district and a 40-X height and bulk district.

The existing theater was built in 1928 and was known as "the Amazon" through many decades, serving the Crocker Amazon and Excelsior neighborhoods. Known most recently as "the Apollo", the theater closed in 1987 and been used briefly in the past as a church.

PROJECT DESCRIPTION

The proposed project would include the interior demolition of 3,057 gsf of theater mezzanine and interior features of the existing building and construction within the existing building envelope of 28,277 gsf of commercial, office, and residential space. The renovated building would contain 11,531 gsf for two units of retail space at the ground level including a Walgreen's drug store (10,959 gsf), accessed from Geneva Avenue, approximately 6,553 gsf for two units of commercial office/non-profit uses on the second floor, approximately 6,923 gsf for eight dwelling units on the third floor, and an off-street loading space accessed from Paris Street. An additional 3220 gsf would be in auxiliary uses (storage, mechanical). There is no parking currently provided and no additional parking is proposed. The one existing occupied retail store, some 572 gsf in size and located on the corner of Geneva Avenue and Paris Street, is a cobbler shop that would be retained; this merchant and Walgreen's would comprise the retail tenants of the proposed project. The entrance to the second and third floor would be located on Paris Street. Figures 2 and 3 show the proposed overall site plan and elevation drawings of the proposed building.

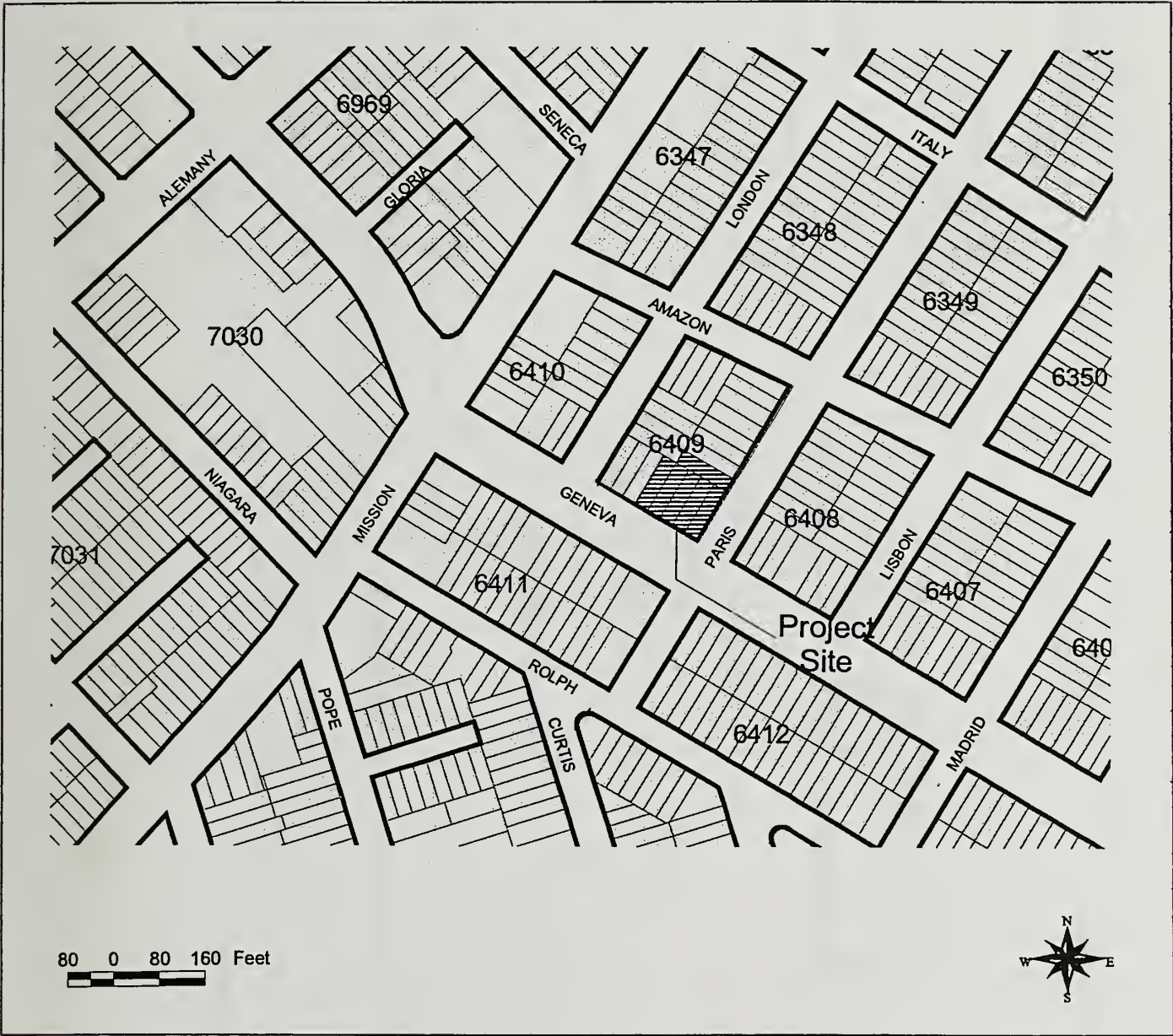
PROJECT SETTING

The project site is located in the southern portion of San Francisco, at the edge of the Excelsior and Crocker Amazon neighborhoods, just east of Mission Street and Highway 280. The Mission/Geneva intersection is two blocks west of the site and the Balboa Park BART station is approximately eight blocks northwest of the site. The Alemany Boulevard/Geneva Avenue intersection is one block west of Mission Street, three blocks from the project site. Highway 280 is accessed from Geneva Avenue near the Balboa Park Station, about two-thirds of one mile from the project site.

The proposed project is located on the northwest corner of Geneva Avenue and Paris Street, along roughly half of the block's commercial Geneva Avenue frontage, between Paris and London Streets. Geneva Avenue is characterized by one-to-two-story, and some three-story, residential above commercial buildings and small scale retailers and services. The Excelsior Neighborhood is characterized by compact two-story stucco

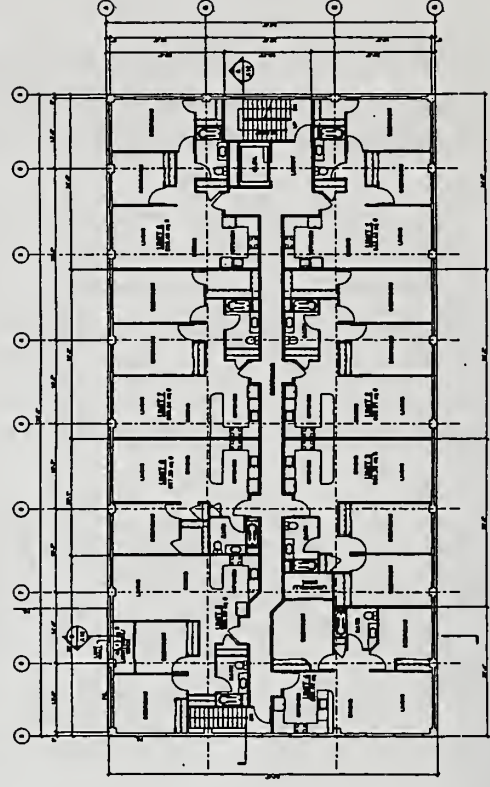
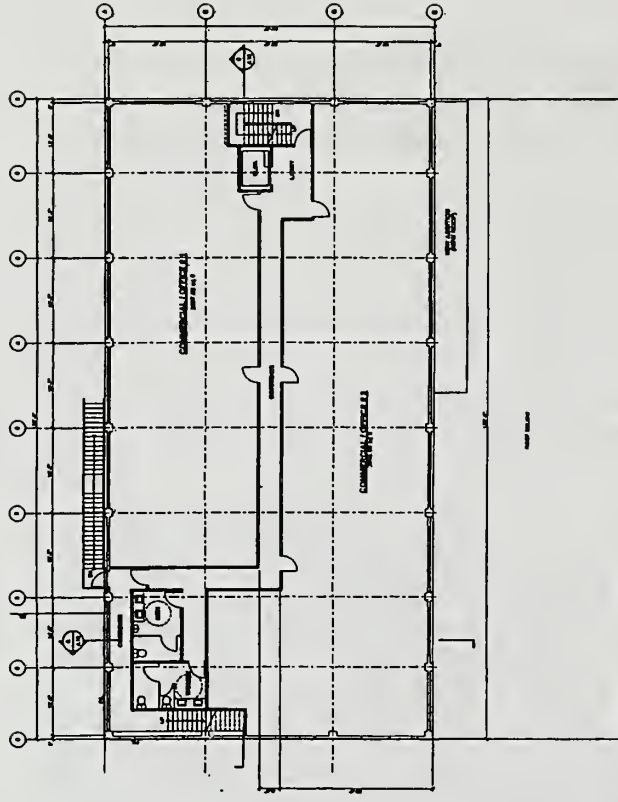
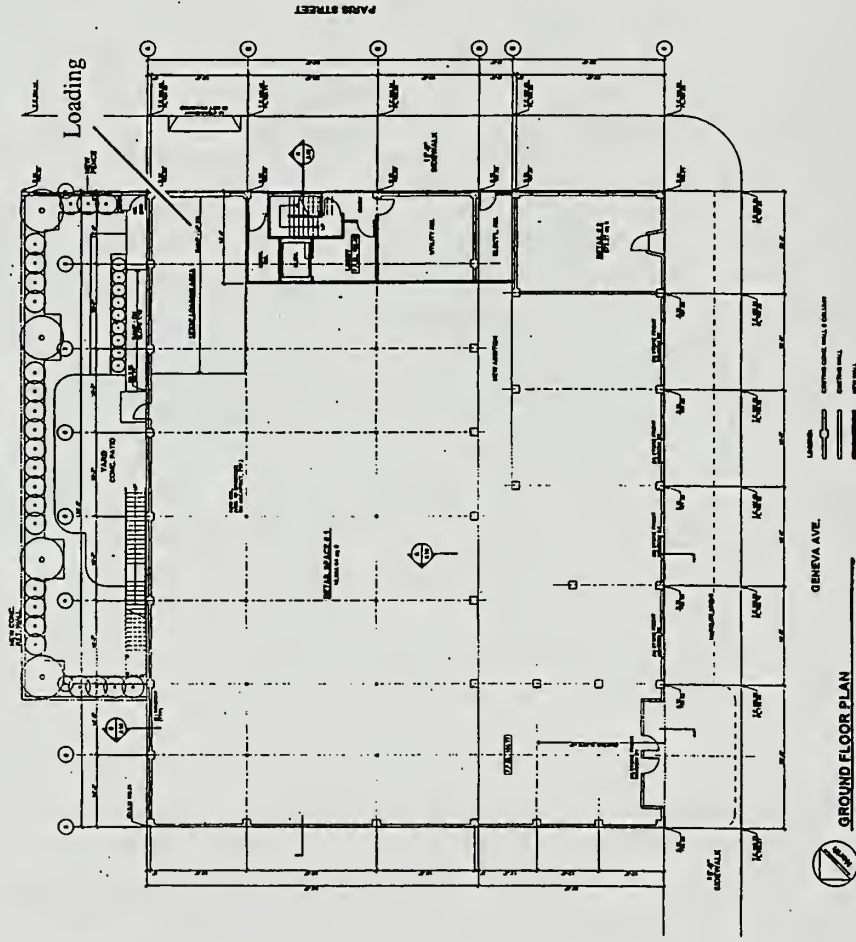
dwelling in residential areas and neighborhood serving retail streets, including Geneva Avenue. The Cow Palace is located approximately one and one-quarter miles southeast of the project site on Geneva Avenue. City College is located just west of Balboa Station and Highway 280, approximately one mile northwest from the project site.

FIGURE 1 - PROJECT LOCATION



Source: San Francisco Department of Public Works

FIGURE 2 - SITE PLAN



Not to scale

Source: Gabriel Ng & Associates

[illegible][illegible]

Not to scale

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INITIAL STUDY CHECKLIST AND DISCUSSION

A. COMPATIBILITY WITH EXISTING ZONING AND PLANS Not Applicable Discussed

- | | | | |
|----|--|----------|----------|
| 1) | Discuss any variances, special authorizations, or changes proposed to the City Planning Code or Zoning Map, if applicable. | <u>X</u> | <u>X</u> |
| 2) | Discuss any conflicts with any adopted environmental plans and goals of the City or Region, if applicable. | <u>X</u> | <u>X</u> |

The San Francisco Planning Code, which incorporates by reference the San Francisco Zoning Maps, governs permitted uses, densities, and the configuration of buildings within San Francisco. A permit to construct a new building (or to alter or demolish an existing one) may not be issued unless either a proposed project conforms to the Code, or an exception is granted pursuant to provisions of the Code.

Lots 6 through 13 of the project site, which front Geneva Avenue, are within the NC-3 (Moderate-Scale Neighborhood Commercial) zoning district and a 65-A Height/Bulk District. The NC-3 District permits moderately large commercial uses, encourages neighborhood-serving businesses, and retains rear yards at residential levels. The 65-A Height/Bulk District allow construction to a height of 65 feet with certain bulk restrictions. Lot 5, at the rear of the site, faces Paris Street and is within the RH-1 (Residential House, One-Family) zoning district and a 40-X Height/Bulk District. The applicant would seek conditional use authorizations for lot size, use size limit for the Walgreen's (in excess of 6,000 gsf), and exceptions to certain parking provisions.

The Department of Building Inspection (DBI) would require demolition permits and a building permit for the proposed project because it would involve interior demolition and construction of a new structure within the existing building envelope.

Environmental plans and policies, such as the Bay Area Air Quality Plan, directly address environmental issues and/or contain targets or standards which must be met in order to preserve or improve characteristics of the City's physical environment. The proposed development at 965 Geneva Avenue would not obviously or substantially conflict with any such adopted environmental plan or policy.

The City and County of San Francisco General Plan, which provides general objectives and policies to guide land use decisions, contains some policies that relate to physical environmental issues. The proposed project would not obviously or substantially conflict with any such policies. In general, potential conflicts of a proposed project with the General Plan are considered by decision makers (normally the City Planning Commission) independently of the environmental review process, as part of the decision to approve or disapprove a proposed project. Any potential conflict not identified in this environmental document could be considered in that context, and would not alter the physical environmental effects of the proposed project.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the Planning Code to establish eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and

enhancement of affordable housing; discouragement of commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; maximization of earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), or adopting any zoning ordinance or development agreement, the City is required to find that the proposed project is consistent with the Priority Policies.

B. ENVIRONMENTAL EFFECTS

All items in this section of the Initial Study Checklist have been checked "No," indicating that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect. Several of those Checklist items have also been checked "Discussed," indicating that the Initial Study text includes discussion about that particular issue. For all of the items checked "No," without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Department, such as the Department's *Transportation Guidelines for Environmental Review*, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Game. For each checklist item, the evaluation has considered the impacts of the project both individually and cumulatively.

1)	<u>Land Use.</u> Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a)	Disrupt or divide the physical arrangement of an established community?	—	<u>X</u>	<u>X</u>
(b)	Have any substantial impact upon the existing character of the vicinity?	—	<u>X</u>	<u>X</u>

The vicinity of the project site contains a variety of neighborhood commercial and residential zone uses, including retail, office, single family, and public utility uses. The proposed uses would be compatible and consistent with the existing mix of uses in the area.

The immediate Geneva Avenue corridor is characterized by two to three story, small-scale residential over commercial structures. The project does not represent a change in height or bulk because the project proposes to build within the interior of the existing building envelope only. The existing structure has been and would continue to be one of the largest buildings in height and bulk in the immediate vicinity. The proposed project would not introduce a new building mass into the neighborhood, thus it would not disrupt or divide the physical arrangement of the community, nor would it have a substantial impact upon the existing character of the area.

2)	<u>Visual Quality.</u> Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a)	Have a substantial, demonstrable negative aesthetic effect?	—	<u>X</u>	<u>X</u>
(b)	Substantially degrade or obstruct any scenic view or vista now observed from public areas?	—	<u>X</u>	<u>X</u>
(c)	Generate obtrusive light or glare substantially impacting other properties?	—	<u>X</u>	<u>X</u>

The proposed project would not have a substantial, demonstrable negative aesthetic effect for the following reasons:
a) the project would upgrade the appearance of the structure which presently is vacant with the blank volume of the

theater defaced by graffiti, b) no scenic view or vista is within the project site area and the project also proposes no change in the building's massing which could obstruct any public views, and c) the project would not generate substantial light or glare as the signage for the stores would be in keeping with similar, allowable, commercial illumination in Neighborhood Commercial areas. Because the project proposes to retain the existing building mass it does not represent a change that would result in potential impacts to any sensitive properties in the area. No significant impacts are anticipated.

3)	<u>Population.</u> Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a)	Induce substantial growth or concentration of population?	—	<u>X</u>	<u>X</u>
(b)	Displace a large number of people (involving either housing or employment)?	—	<u>X</u>	<u>X</u>
(c)	Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply?	—	<u>X</u>	—

The proposed project would increase the workforce population on the site by an estimated 45 persons. The proposed new retailer on the project site, Walgreen's, would employ about eighteen employees over the course of two shifts per day¹. The office uses on the second floor could be expected to employ between fifteen to forty persons depending on the types of tenants that ultimately lease this area. The increased workforce population on the site would not discernibly increase the existing local or existing area-wide population. Business and employee displacement would not occur because the existing business would be retained, however there could possibly be a short period of temporary displacement during construction.

The addition of eight residential units (7 two-bedroom/ 1 one-bedroom) would increase the population on the site somewhere between 15-and 30 persons, including children. While potentially noticeable to immediately adjacent neighbors, this increase would not substantially increase the existing area-wide population.

4)	<u>Transportation/Circulation.</u> Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	—	<u>X</u>	<u>X</u>
(b)	Interfere with existing transportation systems, causing substantial alterations to circulation patterns or major traffic hazards?	—	<u>X</u>	<u>X</u>
(c)	Cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?	—	<u>X</u>	<u>X</u>
(d)	Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities?	—	<u>X</u>	<u>X</u>

Geneva Avenue is a four-lane primary east-west arterial in the southern portion of San Francisco, noted as a "Transit Important" street in the *San Francisco General Plan*. Geneva Avenue is divided in front of the project site. Highway 280 is accessed via Geneva Avenue about two-thirds of one mile west of the site. Geneva Avenue becomes Ocean Avenue by City College, west of Highway 280 and the Balboa Park BART/Muni Station. The intersection two blocks west of the proposed project, at Mission Street and Geneva Avenue, is noted as "Transit Center" in the

¹ Lawrence Lee, correspondence March 27, 2002.

Plan. The vicinity of the project is served by both BART and Muni rail service, however the project site is served directly by bus lines.

Traffic

The existing street system intersections operate at a level of service² (LOS) C,³ indicating acceptable delays. The proposed project represents an intensification of traffic associated with the project site. The traffic impact analysis in this Initial Study is based on the number of person-trips generated by the retail/office/residential uses of the proposed project. In the City of San Francisco the weekday p.m. peak hour trip generation characteristics are analyzed to determine impacts. The p.m. peak hour person-trip generation rates for the land uses associated with the project are taken from the San Francisco Planning Department's *Interim Transportation Impact Analysis Guidelines for Environmental Review* published in January 2000.

Overall, the project would generate an estimated 172 average daily person-trips by proposed project residents, workers, and visitors in the p.m. peak hour spread among various modes of transportation. Based on 1990 Census data, it is estimated that about 64% of the peak hour person-trips by residents would be made by private automobile, 34% by public transit, and 2% by walking/other modes. Utilizing an average ridership per private vehicle of 1.15, also based on 1990 Census data, yields an estimated eight p.m. peak hour automobile trips by residents, five p.m. peak hour transit trips, and no trips walking or using other modes.

Based on the *Interim Transportation Impact Analysis Guidelines*, it is estimated that 52 p.m. peak hour automobile trips by office and retail workers and visitors, 19 p.m. peak hour transit trips, and 38 trips walking or using other modes.

The intersection at Mission Street and Geneva Avenue was studied in 2000 as part of the *Better Neighborhoods 2002* program.⁴ The study found that the intersection operates at Level of Service (LOS) C, indicating stable operation and acceptable delays with drivers feeling somewhat restricted. LOS C is considered a relatively good condition given the intensity of traffic in San Francisco. Even if the project added incrementally to traffic to result in a LOS D, LOS D is considered a tolerable condition showing a functional capacity for additional growth.

The estimated project generated increase of 60 automobile trips during the p.m. peak hour would not be significant as there is capacity on the existing street system. Since the street system operates at an estimated LOS of C, the traffic increase would not be significant relative to the existing capacity of the local street system to accommodate the additional traffic. The change in area traffic as a result of the project would be noticeable locally, but undetectable to most drivers areawide. Therefore, the change in traffic in the project area as a result of the project represents a less-than-significant impact.

The project would add an increment to the cumulative long-term traffic increase on the local roadway network. The

² Level of Service (LOS) is a measure of the ability of an intersection to accommodate traffic volumes. Intersection LOS ranges from LOS A, which indicates free-flow conditions with short delays, to LOS F, which indicates congested conditions with extremely long delays. LOS A, B, C, and D are considered excellent to satisfactory service levels. LOS E and LOS F conditions are considered unacceptable.

³ San Francisco Department of Parking and Traffic. Memorandum on Traffic Counts for Bi-County Transportation Study, dated February 13, 2001. Data therein basis for LOS determination, available for review by appointment at the Planning Department, 1660 Mission Street, Case No 2001.1126E.

⁴ Ibid.

project appears to be within the projected background traffic conditions expected for the project area and no significant cumulative traffic impacts from the project are anticipated.

Walgreen's reports 80-90% of their business comes from a one half mile radius of their stores.⁵ Walgreen's also reports that 75% of their employees are hired within one mile of their workplace. If this were true for the proposed project, then it would be likely that drug store employee vehicular trips and parking requirements would be generated by the project would be less than the estimates above indicate.

Transit

The project is eight blocks east of the Balboa Park Station, where BART and the Muni J Church, K Ingleside, and M Ocean View lines operate. These lines are not counted among the transit lines providing direct service to the project site. The closest bus stops to the project site are directly across the street, approximately 75 feet to the westbound Geneva stop at Paris Street, and 100 feet to the eastbound stop across Geneva Avenue from the project site.

The anticipated peak hour project trips utilizing public transit would be distributed among the seven bus lines (9X and 9AX San Bruno Express, 15 Third, 43 Masonic, 52 Excelsior, 14 Mission, and 14X Mission Express) providing service to within two blocks of the project site. Together, these lines provide approximately 49 transit vehicles in the p.m. peak hour. The 19 project transit trips spread among the 49 transit vehicles would yield an average increase of less than one rider per vehicle, which would not have a significant impact upon transit service.

Parking

The proposed project is required by the San Francisco Planning Code to provide 43 off-street parking spaces and an off-street loading area. The project would provide an off-street loading area for one commercial vehicle accessed from Paris Street. The project sponsors propose no off-street parking, and thus would seek a variance from commercial and residential parking requirements. There is on-street parking along the frontage of the project site and in the adjacent residential area. On January 30, 2002 a site visit before the p.m. peak hour showed 12 available parking spaces on the blocks immediately adjacent to the project site. Using the Department's *Interim Transportation Impact Analysis Guidelines* to estimate both short term and long term parking demand, the proposed project would result in a deficit of approximately 115 parking spaces which would be unmet. The parking deficit would require project-generated traffic to compete for the existing supply of parking relative to demand in the area. This increased parking deficit would force some drivers to look for parking outside the immediate area. The long-term effect of the deficit could be to discourage auto use and encourage the use of local transit. Because the site is unusually well served by transit, the project's resulting reliance on transit modes for transportation access is not considered onerous. The project is not anticipated to substantially alter the existing nature of the areawide parking situation.

Under California Public Resources Code Section 21060.5, "environment" means "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance." Parking supply is not considered to be a part of the permanent physical environment in San Francisco. Parking conditions are not a static condition, as parking supply/demand varies from day to night, from day to day, month to month, etc. The availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. Therefore, parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA.

⁵ Lawrence Lee, correspondence, March 27, 2002.

Parking deficits may be associated with secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality, or noise effects caused by congestion. However, as noted above, in the experience of San Francisco transportation planners, the absence of a ready supply of parking spaces combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and relatively dense patterns of urban development, may induce drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service, in particular, would be in keeping with the City's "Transit First" policy.

Additionally, regarding potential secondary effects of parking deficits, cars circling and looking for a parking space in areas of limited parking supply is typically a temporary condition, often offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would likely be minor and difficult to predict.

Thus, a parking shortage is not considered to be a permanent condition and is also not considered to be a physical environmental impact even though it is understood to be an inconvenience to drivers. Therefore, the creation of or an increase in parking demand resulting from a proposed project that cannot be met by existing or proposed parking facilities would not itself be considered a significant environmental effect under CEQA. In the absence of such physical environmental impacts, CEQA does not require environmental documents to propose mitigation measures solely because a project is expected to generate parking shortfalls.

Thus, for the aforementioned reasons, transportation-related impacts are not considered significant.

5)	Noise. Could the project:	Yes	No	Discussed
(a)	Increase substantially the ambient noise levels for adjoining areas?	—	X	X
(b)	Violate Title 24 Noise Insulation Standards, if applicable?	—	X	—
(c)	Be substantially impacted by existing noise levels?	—	X	—

Based on published scientific acoustic studies, the traffic volumes in a project area would need to approximately double to produce an increase in ambient noise levels noticeable to most people in the area. The proposed project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

The proposed project would include mechanical equipment, such as air conditioning units and chillers, which could produce operational noise. These operations would be subject to the San Francisco Noise Ordinance, Article 29 of the San Francisco Police Code. Compliance with Section 2909 of this ordinance would limit noise from building operations, and substantial increases in the ambient noise level due to building equipment noise would not be anticipated.

Although work would be confined to the interior, demolition and construction as part of the proposed project would temporarily increase noise in the site vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. However, any sensitive receptors would be affected only temporarily and intermittently by construction noise.

Construction noise is regulated by the San Francisco Noise Ordinance. Section 2907 of the Noise Ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA

(decibels on an A-weighted scale) at a distance of 100 feet from the source. Impact tools (jackhammers, hoe-rammers, pile drivers, impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the Noise Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of Public Works.

Compliance with the San Francisco Noise Ordinance under Sections 2907, 2908, and 2909 would help reduce project operation and construction noise impacts to a less-than-significant level.

6)	<u>Air Quality/Climate.</u> Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a)	Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation?	—	<u>X</u>	<u>X</u>
(b)	Expose sensitive receptors to substantial pollutant concentrations?	—	<u>X</u>	—
(c)	Permeate its vicinity with objectionable odors?	—	<u>X</u>	—
(d)	Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect public areas, or change the climate either in the community or region?	—	<u>X</u>	—

The Bay Area Air Quality Management District (BAAQMD) has established thresholds for projects requiring its review for potential air quality impacts. These thresholds are based on the minimum size projects which the District considers capable of producing air quality problems due to vehicular emissions. Since the project would not exceed this minimum standard, no significant air quality impacts due to vehicular emissions would be generated by the project.

Demolition of the existing structure will be confined to the interior, thus the potential for wind-blown dust to add to the particulate matter in the local atmosphere will be limited to transportation of the material offsite. The potential hazardous waste that are part of the interior building materials and regulation of handling these materials are discussed in the hazards section of this Initial Study.

7)	<u>Utilities/Public Services.</u> Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a)	Breach published national, state or local standards relating to solid waste or litter control?	—	<u>X</u>	—
(b)	Extend a sewer trunk line with capacity to serve new development?	—	<u>X</u>	—
(c)	Substantially increase demand for schools, recreation or other public facilities?	—	<u>X</u>	—
(d)	Require major expansion of power, water, or communications facilities?	—	<u>X</u>	<u>X</u>

Utilities and public services are already provided for the project area and to the existing structure. The proposed project would increase the demand for and use of public services and utilities on the project site and increase water and energy consumption, but not in excess of the amounts expected and provided for in the project area.

8)	<u>Biology.</u> Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a)	Substantially affect a rare or endangered species of animal or plant or the habitat of the species?	—	<u>X</u>	<u>X</u>
(b)	Substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife species?	—	<u>X</u>	<u>X</u>
(c)	Require removal of substantial numbers of mature, scenic trees?	—	<u>X</u>	<u>X</u>

The project site is almost completely covered by the existing structure. There is a small side yard on Lot 5, adjacent to a residential property. The yard is covered in large shrubs which do not provide habitat for species of concern. The project sponsor plans to re-landscape the yard as part of the proposed project. The project would not affect any threatened, rare, or endangered animal or plant life or habitat, nor would it interfere with any resident or migratory species.

9)	<u>Geology/Topography.</u> Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a)	Expose people or structures to major geologic hazards (slides, subsidence, erosion and liquefaction).	—	<u>X</u>	<u>X</u>
(b)	Change substantially the topography or any unique geologic or physical features of the site?	—	<u>X</u>	—

The project site is not located in a Seismic Hazards Study Zone as shown in the Community Safety Element of the *San Francisco General Plan*. This map indicates areas in which one or more geologic hazards exist. The project site is located in an area of moderate groundshaking intensity from earthquakes along the San Andreas and Northern Hayward Faults and other faults in the San Francisco Bay Area (Maps 2 and 3) which might be expected to result in nonstructural damage.

The project sponsor has not provided a geotechnical investigation report prepared by a California-licensed geotechnical engineer, however the final building plans would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of special geologic study areas and known hazard areas in San Francisco, as well as the building inspectors' working knowledge of areas of special geologic concern.

The proposed project would include the construction of a new steel supporting structure inside the existing building envelope to serve as the primary support for proposed project. DBI would determine if the project will be able to use the existing building foundation as proposed.

10)	<u>Water.</u> Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a)	Substantially degrade water quality, or contaminate a public water supply?	—	<u>X</u>	—
(b)	Substantially degrade or deplete ground water resources, or interfere substantially with ground water recharge?	—	<u>X</u>	<u>X</u>
(c)	Cause substantial flooding, erosion or siltation?	—	<u>X</u>	—

The project would not change the amount of impervious surface area, and would not measurably affect the current amount of runoff. The proposed project would not measurably affect runoff, drainage, or groundwater recharge.

11)	<u>Energy/Natural Resources</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a)	Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	—	<u>X</u>	<u>X</u>
(b)	Have a substantial effect on the potential use, extraction, or depletion of a natural resource?	—	<u>X</u>	—

The project would result in a more intensive use of the site for commercial and residential purposes. This would result in more site energy use overall, but not substantially greater than current conditions, and not great in the context of the larger neighborhood, the City, or regionally. Thus the energy impacts of the proposed project would be less-than-significant.

12)	<u>Hazards</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a)	Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected?	—	<u>X</u>	<u>X</u>
(b)	Interfere with emergency response plans or emergency evacuation plans?	—	<u>X</u>	—
(c)	Create a potentially substantial fire hazard?	—	<u>X</u>	—

The project sponsor has provided a Pre-demolition Asbestos and Lead-Based Paint Survey report prepared by a California-licensed environmental assessor that is on file with the Planning Department⁶. Due to the presence of both asbestos and lead-based paint, the recommendations contained in the report include but are not limited to: use of licensed abatement contractors, avoidance of sawing, drilling, and sanding of asbestos-containing materials (ACMs), and use of engineering controls for lead-based paint and respiratory and personal protective equipment during abatement or demolition.

Asbestos

The asbestos survey sampled the site in accordance with *40 CFR Part 763* and found ACMs in floor tile, interior plaster, scrollwork, parapet, and wire insulation⁷. These ACMs are part of the building interior proposed to be demolished with the project. Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with

⁶ CTL Environmental Services. May 21, 2001. *Report, Pre-Demolition Asbestos and Lead-Based Paint Survey, Apollo Theater, 925 Geneva Avenue, San Francisco, California*. Case No 2001.1126E, available for review by appointment at the Planning Department, 1660 Mission Street.

⁷ *Ibid.*, 2.

authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/alterd including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The District randomly inspects asbestos removal operations. In addition, the District will inspect any removal operation concerning which a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in 8CCR1529 and 8CCR341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material is required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Pursuant to California law, the Department of Building Inspection (DBI) would not issue the required permit until the applicant has complied with the notice requirements described above.

Lead-Based Paint

The lead-based paint survey sampled the site in using paint chip samples, analyzed by RJ Lee Group in San Leandro, California.⁸ Lead-based paint (LBP) exceeding standards set by the U.S. Environmental Protection Agency and Department of Housing and Urban Development was found in surfaces on handrails, doors, walls, stairs, and the projector room and restrooms.⁹ These LBP surfaces are part of the building interior proposed to be demolished with the project. The proposed demolition must comply with Chapter 36 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint.

Chapter 36 applies to buildings or steel structures on which original construction was completed prior to 1979 (these structures are assumed to have lead-based paint on their surfaces), where more than ten total square feet of lead-based paint would be disturbed or removed. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the Department of Housing and Urban Development (HUD) Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The ordinance also includes notification requirements, contents of notice, and requirements for signs. Notification includes notifying bidders for the work of any paint inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party must

⁸ Ibid.

⁹ Ibid., 3-4.

provide written notice to the Director of the Department of Building Inspection of the location of the project; the nature and approximate square footage of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or nonresidential, owner-occupied or rental property, approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include Sign When Containment is Required, Notice by Landlord, Required Notice to Tenants, Availability of Pamphlet related to protection from lead in the home, Notice by Contractor, Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead-Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

With implementation of these provisions regulating ACMs and LBP, hazard impacts would be reduced to a less-than-significant level.

13) <u>Cultural</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific study?	—	<u>X</u>	<u>X</u>
(b) Conflict with established recreational, educational, religious or scientific uses of the area?	—	<u>X</u>	—
(c) Conflict with the preservation of buildings subject to the provisions of Article 10 or Article 11 of the City Planning Code?	—	<u>X</u>	<u>X</u>

Since no excavation is proposed, no subsurface archaeological resources would be disturbed and no impact to is anticipated.

The proposed project would have no impact on any buildings or districts identified in Sections 10 or 11 of the Planning Code or any ratings from surveys of historic structures in San Francisco. The massing of the 1928 theater will remain and be reminiscent of the previous theater use. The theater has undergone extensive interior painting and remodeling that has compromised the structure's value as a potential historic resource, thus the demolition of the interior would not be considered to be a significant impact and no mitigation is required.

C. <u>OTHER</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
Require approval and/or permits from City Departments other than Department of City Planning or Bureau of Building Inspection, or from Regional, State or Federal Agencies?	<u>X</u>	—	<u>X</u>

Neighborhood Notice

A Notification of Project Receiving Environmental Review was mailed on November 2, 2001 to the owners and occupants of properties adjacent to the project site. Concerns were expressed regarding neighborhood crime and yard

access and the potential closure of small independent businesses as a result of the project. However, these issues are not under the purview of environmental review and therefore were not addressed in the Initial Study. Other concerns were expressed regarding the possible effects of the project on parking, traffic congestion, and whether historic structure documentation photography would be appropriate prior to demolition. These issues have been addressed above, by topic.

D. MITIGATION MEASURES

Yes No N/A Discussed

- | | | | | | |
|----|--|---|----------|---|---|
| 1) | Could the project have significant effects if mitigation measures are not included in the project? | — | <u>X</u> | — | — |
| 2) | Are all mitigation measures necessary to eliminate significant effects included in the project? | — | <u>X</u> | — | — |

E. MANDATORY FINDINGS OF SIGNIFICANCE

Yes No Discussed

- | | | | | |
|----|---|---|----------|---|
| 1) | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history? | — | <u>X</u> | — |
| 2) | Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | — | <u>X</u> | — |
| 3) | Does the project have possible environmental effects which are individually limited, but cumulatively considerable? (Analyze in the light of past projects, other current projects, and probable future projects.) | — | <u>X</u> | — |
| 4) | Would the project cause substantial adverse effects on human beings, either directly or indirectly? | — | <u>X</u> | — |

The proposed mixed-use retail/office/residential project is a permitted use in the NC-3 Zoning District. The project would require conditional use authorization by the San Francisco City Planning Commission for the lot size, use size in excess of 6,000 gsf for the Walgreen's, and a variance from off-street parking requirements in NC districts. While local concerns or other planning considerations may be grounds for modification or denial of the proposal, in the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

H. ON THE BASIS OF THIS INITIAL STUDY

X I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Planning Department.

- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because Mitigation Measures, numbers 1 - 6, in the discussion have been included as part of the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.


PAUL E. MALTZER
Environmental Review Officer

for

DATE: April 12, 2002

Gerald G. Green
Director of Planning

